

MINUTES
Board of Building & Zoning Appeals
City of Willoughby Hills, Ohio

October 10, 2017

CALL TO ORDER: 8:00 pm

INTRODUCTION of Marianne Sinkko who will be Clerk pro tem for tonight's meeting. Marianne is Clerk for the Recreation Commission.

MOTION: John Klements moved to appoint Marianne Sinkko as Clerk Pro tem for tonight's meeting.
Seconded by Mark Kotoch.
Roll call: Ayes Unanimous.
Motion passes 4/0.

Marianne Sinkko is Clerk Pro tem.

ROLL CALL

PRESENT: Chairman Frank Cihula, Vice Chairman John Klements, Mark Kotoch and James Michalski

ABSENT: Robert Bartolotta

ALSO PRESENT: Clerk Pro tem, Marianne Sinkko

Mr. Bartolotta advised the Chairman that he would not be able to attend this meeting.

MOTION: John Klements moved to excuse Robert Bartolotta from tonight's meeting.
Seconded by Mark Kotoch.
Roll call: Ayes Unanimous.
Motion passes 4/0.

Chairman Cihula declared that Mr. Bartolotta is excused from this meeting.

DISPOSITION OF MINUTES of August 8, 2017

MOTION: Mark Kotoch moved that the Board approve the Minutes of August 8, 2017 as submitted.
Seconded by James Michalski.
Roll call: Ayes Unanimous.
Motion passes 4/0.

Chairman Cihula declared that the Board of Building and Zoning Appeals Meeting Minutes of August 8, 2017 have been approved as submitted.

CORRESPONDENCE

Email dated 9/27/17 from Gloria Majeski re: Updated Rosters

Notification dated 9/27/17 sent to News-Herald re: October 10, 2017 BZA meeting.

Case No. 2017-2

Mr. George Dragon, Cicogna Sign Co. 4330 N. Bend Rd., Ashtabula, OH, for Michael Gatto (Gatto Group), 29010 Chardon Rd., requests a variance for a permanent Free Standing Sign with a 1' setback from the ROW. Section 1151.05(e) of the Codified Ordinances requires minimum setback from the ROW of 5'.

Notice is mailed to property owners within 500 feet of said property.

Drawings are available for review in the lobby of the City Hall and on the front table of Council Chambers.

There was a letter authorizing Mr. Dragon to represent the property owner.

PRESENT: George Dragon (Cicogna Electric and Sign Co.) & Michael Gatto (Gatto Group), owner of building.

Stated reason for variance request:

The old existing sign collapsed due to age and decay. [Photo shown]. Mr. Gatto would like to install a new 4'x5' sign (20 sq. ft.) for his tenants and himself. The 38 sq. ft. old existing sign was in the City ROW. [Photo of the existing bracket shown].

Mr. Dragon proposes a maintenance-free sign, externally lit from the top. Sign will be constructed from sign foam. Covers will go over the existing 6'x6' posts. The removable tenant signs are aluminum. The new sign needs to stay 18 inches from the brick, which leaves the sign only 1-foot behind the ROW. It is a smaller sign that also has visibility under it.

A 4-foot variance is requested because: 1) if the sign is moved back into the parking lot, it would drop down 3 feet and lose visibility. The sign should be centered on the building and in a safe location; and, 2) the power for lighting the sign is at the old existing location.

The proposed location could be further to the west. Side yard setback for a sign is 15 feet. Sight clearance for people exiting the driveway is better if the sign is further to the west. Foliage from the trees in side yards would be an obstacle. There would be not much benefit from moving it further west.

The surveyor's site plan was included in the Board packets. Because a 1-foot clearance does not leave much room for error, Mr. Gatto agreed to have his surveyor do a site plan. The ROW pins were not visible at the street. A stake has been set which will provide an accurate measuring point for the sign company.

The parking lot will be paved in the spring. The dumpster surround will be installed. Improvements have already been made on building.

Board's Discussion:

Photographs of the existing and proposed site were taken by the Chairman during site visit. Board noted the discussed locations. The new sign is a dramatic upgrade.

Public Portion for Case 2017-02 opened at 8:15 p.m.

President and Managing Partner of Davis & Young

He stated that they were 94 years in downtown Cleveland. This is their 1st year in Willoughby Hills. The proposed new sign looks very classy. Having the new sign centered is best for customers and clients.

Public Portion for Case 2017-02 closed at 8:17 p.m.

MOTION: Mark Kotoch moved that the Board approve Case 2017-02 as requested and grant a variance for the property located at 29010 Chardon Rd. for a permanent, free-standing sign with a front setback of 1-foot from the ROW due to the fact of the irregularity and shallowness of the area where the sign can be placed and that the existing sign used to be in the ROW.

Seconded by James Michalski

Roll call: Ayes unanimous.

Motion passes 4/0.

Chairman Cihula declared that the request for a 1-ft. setback for the free-standing sign is granted. The applicant will pay for the Zoning Permit in the Building Department and then will go to Painesville to get the Building Permit. Willoughby Hills has recently hired the County to do its Building Permitting. The decision of the BZA is good for one year.

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CASE 2017-3

Mr. Andrew Joseph DiNunzio, 2877 Rockefeller Rd., requests a variance to construct a Pool House with a floor area of 1,368 sq. ft. on a 1.112 acre lot. Section 1133.10(g)(2) of the Codified Ordinances limits accessory buildings to 1,008.79 sq. ft. floor area on this lot.

PRESENT: Mr. Andrew Joseph DiNunzio.

Stated reason for variance request:

The applicant wants to build 1300 sq. ft., L-shaped pool house. The pool house will wrap around the pool. Architectural drawing was shown. The layout of the pool and pool house on the site plan were discussed. Mechanicals will be included in the pool house. The designs, materials and color of the 3-season pool house will match the house. Once the white vinyl 6-foot fence is up, the pool will not be visible from the street. There is a big horse farm behind his property.

The neighbors have told the applicant that they support it. He did not get letters from them.

Because their large family and family functions, a large pool house is needed. The applicant did get a copy of Section 1117 to review. Because of the 15-foot setback on the north side, the pool house got to be long and narrow. It needs to be wrapped to provide for the pavilion, bar and sitting area. Applicant states that the side setback is measured to the gutter, not the foundation.

The applicant has complied with the Erosion and Sediment Provisions as required by the Zoning Administrator. The sod is in even though he will have to disturb it when the pool house is built. The pool has been approved by the PC/ABR. Excavation for the pool is already started, as noted during site visit. The pool house has been approved by the PC/ABR contingent on BZA approval.

Board's Discussion:

Zoning Code Criteria for variance in Section 1117 discussed. It is a beautiful, well laid out plan but a large family is not a hardship that necessitates the size of the proposed pool house. It will not alter the essential character of the neighborhood. The back of the property is not deep enough to be built on. The allowable size of an accessory building on this lot is 1,008.79 sq. ft. floor area on a 1.112 acre lot.

Public Portion for Case 2017-3 opened at 8:33 p.m.

No Public Input

Public Portion for Case 2017-3 closed at 8:33 p.m.

The applicant has amended his request for a variance to construct a Pool House with a maximum floor area of 1,248 sq. ft. with the actual dimensions to be determined by his engineer.

MOTION: Mark Kotoch moved that the Board approve Case 2017-3 as amended and grant a variance for the property located at 2877 Rockefeller Rd. for a variance to construct a pool house with a floor area not to exceed 1248 sq. ft. on a 1.112 acre parcel and the spirit and intent behind the zoning requirements would be observed.

Seconded by John Klements

Roll call: Ayes unanimous.

Motion passes 4/0.

Chairman Cihula declared that the request for a 1248 sq. ft maximum size pool house. Applicant will contact the Building Commissioner for the Building Permit. The decision of the BZA is good for one year. The applicant will get the Zoning Permit in the Building Department and then will go to Painesville to get the Building Permit. The decision of the BZA is good for one year.

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UNFINISHED BUSINESS

None

NEW BUSINESS

None

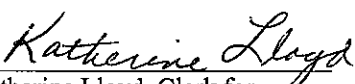
CHAIRMAN'S COMMENTS

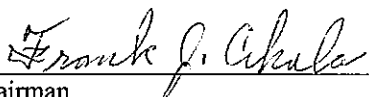
- There was an issue with Chimney Ridge which has since been resolved by the Zoning Administrator under the Equivalency Provisions.
- The Lake County Building Department is now doing the building inspecting for the Willoughby Hills. The County Commissioners just approved that. The County Building Department does not do Zoning. The City Engineer will continue to do Zoning Review of all new homes and major additions which he was doing even when the former Building Commissioner was here. The City Road Superintendent has been doing the Zoning Inspections.
- The APA Cleveland Zoning Workshop is Friday, October 27, 2017. Mr. Michalski and Chairman Cihula will attend. Mr. Bartolotta has been replaced by City Zoning Inspector Mark Grubiss.

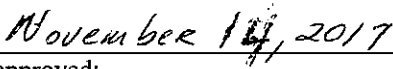
MOTION: Mark Kotoch moved to adjourn.
Seconded by James Michalski.
Voice vote: Ayes unanimous.
Motion passes 4/0

Chairman Cihula declared the meeting adjourned at 8:49 PM

Note that it is the policy of the Board to make site visits to guide them in making their decisions.
Note that BZA meetings are recorded and recordings are considered a public record.


Katherine Lloyd, Clerk for
Marianne Sinkko, Clerk pro tem


Chairman


Date approved: